

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13785, of Benjamin L. Evans, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Sub-section 5102.3) to use the first floor of the subject premises as an amusement arcade in a C-2-A District at the premises 2503 Benning Road, N.E., (Square 4518, Lot 82).

HEARING DATE: July 14, 1982

DECISION DATE: July 14, 1982 (Bench Decision)

ORDER

The subject application was scheduled for the public hearing of July 14, 1982. As a preliminary matter, a representative of Advisory Neighborhood Commission 6A requested that the record remain open to allow for the submission of the ANC's resolution regarding the subject case. The Chairman granted that request.

The subject property is located on the southeastern corner of the intersection of Benning Road and 25th Place, N.E. It is zoned C-2-A. The prior use of the premises was as a flower shop. The premises is part of the Langston Movie Theater shopping area and consists of one superstructure containing the theatre and four one-story store fronts measuring approximately twenty by forty feet each. The applicant proposes to use one of the store fronts as a video arcade with a capacity for twenty machines. Nothing else will be sold on the premises. The theatre and all four store fronts are vacant at the present time.

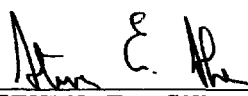
The applicant testified that he intends to use the video arcade as a "financial anchor" in order to renovate and lease the remaining three store fronts as a carry-out, beauty salon and boutique. The applicant contends that the inability to use the subject premises as a video arcade would prevent any renovation or viable operation of the remainder of the storefronts and the theatre and would thus create an undue hardship.

After discussion with the Board, the applicant requested permission to withdraw the application in order to look at the evidence required in order to meet the burden of proof necessary in a use variance case.

Based on the applicant's request, it is ORDERED that the application is hereby WITHDRAWN. The request by the ANC to submit a report on this application is therefore MOOT.

VOTE: 4-1 (William F. McIntosh, Charles R. Norris, Douglas  
J. Patton and Lindsley Williams to GRANT WITHDRAWAL:  
Connie Fortune OPPOSED to the MOTION).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 

STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: AUG 31 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION  
OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER  
HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF  
PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."